

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
FORT SMITH DIVISION

JANET A. BURTON

PLAINTIFF

v.

CIVIL NO. 07-2043

MICHAEL J. ASTRUE, Commissioner  
Social Security Administration

DEFENDANT

**MEMORANDUM OPINION**

Plaintiff Janet Burton filed this action on May 8, 2007, seeking judicial review of a decision of the Commissioner of Social Security (Commissioner) pursuant to 42 U.S.C. § 405(g). (Doc. # 1). Instead of answering the complaint, on June 22, 2007, defendant filed a motion requesting plaintiff's case be remanded for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g). (Doc. # 6). Defendant states in her motion, that the file contains medical evidence that appears to have been timely submitted to the hearing office but not entered into the administrative record. Further, the defendant contends that it is not clear whether the exhibit list from the administrative hearing held on September 14, 2006, was properly entered into the administrative record. Accordingly, she requests that this court remand the case to allow for further administrative action.

Pursuant to sentence six of 42 U.S.C. § 405(g), a district court may remand a social security case when the Commissioner, for good cause, requests remand to take further administrative action before filing an answer to the complaint. 42 U.S.C. §405(g); *Shalala v. Schaefer*, 509 U.S. 292, 113 S.Ct. 2625 (1993). In the present case, an answer has not been filed and we find good cause exists to support defendant's request for remand.

Based on the foregoing, we hereby grant defendant's motion and remand this case to the Commissioner for further administrative action pursuant to sentence six of 42 U.S.C. § 405(g)  
DATED this 25th day of June 2007.

/s/ *J. Marszewski*

HON. JAMES R. MARSCHEWSKI  
UNITED STATES MAGISTRATE JUDGE